

REMARKS

The Present Invention

The present invention is directed to a method of inhibiting binding of an enveloped virus to a cell in a host, which method comprises administering to the host an antiviral effective amount of an isolated and purified antiviral protein having an amino acid sequence of SEQ ID NO: 2, whereupon administration of said antiviral effective amount of the antiviral protein, binding of the enveloped virus to the cell is inhibited.

Examiner Interview

Applicant wishes to thank Examiner Parkin for the courtesy of the telephonic interview of October 7, 2003. Applicant is most appreciative of the Examiner's time in discussing the matters set forth in the Office Action and herein with Applicant's representatives Heather R. Kissling and Carol Larcher.

The Pending Claims

Claim 20 is currently pending and is directed to the method of inhibiting binding of an enveloped virus to a cell in a host.

The Amendments to the Claims

Claim 20 has been amended and claims 21-31 have been canceled in accordance with the suggestion of the Examiner during the interview of October 8, 2003. The amendment to claim 20 is supported by the specification at, for example, page 8, lines 3-8, page 9, lines 16-22, page 11, line 30, through page 12, line 2, page 14, lines 27-31, page 19, lines 22-28, page 21, lines 15-22, page 22, lines 7-20, page 26, lines 10-15, page 27, line 30, through page 28, line 2, page 35, line 36, through page 36, line 3, and Examples 5 and 6. No new matter has been added by way of this amendment.

The Office Action

The Office has rejected claims 20-31 under 35 U.S.C. § 112, first paragraph, for allegedly lacking written description (claims 22-31) and/or lacking enablement (claims 20-31). Claims 20 and 21 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 20-24 of Application No. 09/428,275. Reconsideration of these rejections is hereby requested.

In re Appln. of Boyd
Application No. 09/427,873

Discussion of Rejections under 35 U.S.C. § 112, first paragraph

Claims 22-31 have been rejected under Section 112, first paragraph, for allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one ordinarily skilled in the art that the inventor had possession of the claimed invention. Claims 20-31 have been rejected under Section 112, first paragraph, for alleged lack of enablement. Solely in an effort to advance prosecution of the instant application and not in acquiescence of the rejections, claims 21-31 have been cancelled and claim 20 has been amended to recite administering to the host an antiviral effective amount of an isolated and purified antiviral protein having an amino acid sequence of SEQ ID NO: 2. As acknowledged by the Examiner during the interview of October 8, 2003, the instant specification fully enables administration of an antiviral protein having SEQ ID NO: 2 to a host to inhibit viral binding to a host cell *in vivo*. Accordingly, the rejection of claims 22-31 for alleged lack of description is moot, and the rejection of the claims for alleged lack of enablement should be withdrawn.

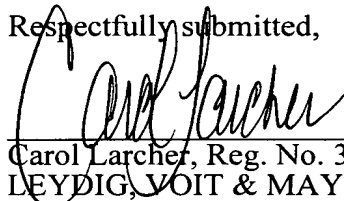
Discussion of Provisional Obviousness-Type Double Patenting Rejection

Claims 20 and 21 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 20-24 of Application No. 09/428,275 (the '275 application). Applicant notes that the '275 application is abandoned (Notice of Abandonment mailed January 14, 2003) and, therefore, the provisional obviousness-type double patenting rejection should be withdrawn.

Conclusion

The application is considered to be in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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